

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

BESSIE JONES,	:	Case No. 1:04-CV-616
<i>Administratrix of the Estate on behalf of</i>	:	
Nathaniel Jeffrey Jones, <i>et al.</i> ,	:	District Judge Susan J. Dlott
	:	
Plaintiffs,	:	ORDER GRANTING MOTION
	:	FOR RECONSIDERATION AND
v.	:	VACATING ORDER GRANTING
	:	MOTION FOR LEAVE TO FILE
CITY OF CINCINNATI, <i>et al.</i> ,	:	THIRD AMENDED COMPLAINT
	:	
Defendants.	:	

This matter is before the Court on Defendants' Motion for Reconsideration and Memorandum in Opposition to Plaintiffs' Motion for Leave to File Third Amended Complaint. (Doc. 53.) For the following reasons, the Defendants' motion is GRANTED.

In October 2006, this Court granted in part and denied in part Defendants' motion to dismiss. (Doc. 40.) Defendants appealed the decision to the United States Court of Appeals for the Sixth Circuit. (Doc. 41.) The Sixth Circuit affirmed this Court's decision in an opinion decided and filed April 4, 2008. *Jones v. City of Cincinnati*, No. 06-4528 (6th Cir. 2008). Defendants filed their petition for a rehearing *en banc* on April 14, 2008.

On June 11, 2008, Plaintiffs filed a motion for leave to file a third amended complaint (doc. 50), which this Court granted (doc. 51). However, until the Sixth Circuit rules on whether it will rehear the matter, this Court is without jurisdiction over Plaintiffs' motion. Accordingly, the Court GRANTS Defendants' motion for reconsideration of its order granting Plaintiffs' motion for leave to file a third party complaint (doc. 53) and VACATES that order (doc. 51).

The Court will reconsider Plaintiffs' motion for leave to file a third amended complaint upon receipt of the mandate from the Sixth Circuit.

IT IS SO ORDERED.

s/Susan J. Dlott
Susan J. Dlott
United States District Judge